



General Assembly

Substitute Bill No. 143

February Session, 2002

**AN ACT CONCERNING FOSTER CARE AND OTHER PAYMENTS BY
THE DEPARTMENT OF CHILDREN AND FAMILIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-126 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2002*):

3 (a) As used in this section, "relative caregiver" means a person who
4 is caring for a child related to such person because the parent of the
5 child has died or become otherwise unable to care for the child for
6 reasons that make reunification with the parent not a viable option
7 within the foreseeable future and "commissioner" means the
8 Commissioner of Children and Families.

9 (b) The Commissioner of Children and Families shall establish a
10 program of subsidized guardianship for the benefit of children [in the
11 care or custody of the commissioner] (1) who are living with relative
12 caregivers that have been appointed the guardians or coguardians of
13 the children by courts of competent jurisdiction, and who [have been]
14 were in foster care or certified relative care for [not less than eighteen
15 months. The commissioner, within available appropriations, may
16 establish a program of subsidized guardianship for the benefit of
17 children in the care or custody of the commissioner who are living
18 with relative caregivers and who have been in foster care or certified
19 relative care for not less than twelve but not more than eighteen

20 months] at least twelve months prior to their relative caregivers being
21 appointed guardians or coguardians, and (2) not in the care or custody
22 of the commissioner who are living with relative caregivers that (A)
23 have been appointed guardians or coguardians of the children by
24 courts of competent jurisdiction, and (B) have family incomes of not
25 more than three hundred per cent of the federal poverty level. A
26 relative caregiver may request a guardianship subsidy from the
27 commissioner. If adoption of the child by the relative caregiver is an
28 option, the commissioner shall counsel the caregiver about the
29 advantages and disadvantages of adoption and subsidized
30 guardianship so that the decision by the relative caregiver to request a
31 subsidized guardianship may be a fully informed one.

32 (c) The subsidized guardianship program shall provide the
33 following subsidies: [for the benefit of any child in the care of a relative
34 caregiver who has been appointed the guardian or coguardian of the
35 child by any court of competent jurisdiction:] (1) A special-need
36 subsidy, which shall be a lump sum payment for one-time expenses
37 resulting from the assumption of care of the child when no other
38 resource is available to pay for such expense; [and] (2) a medical
39 subsidy comparable to the medical subsidy to children in the
40 subsidized adoption program if the child lacks private health
41 insurance; [. The subsidized guardianship program shall also provide]
42 and (3) a monthly subsidy on behalf of the child payable to the relative
43 caregiver. [that] The monthly subsidy (A) for children described in
44 subdivision (1) of subsection (b) of this section shall be equal to the
45 prevailing foster care rate, and (B) for children described in
46 subdivision (2) of subsection (b) of this section shall be equal to the
47 prevailing foster care rate minus the amount of any (i) benefits for
48 survivors under the Social Security Act, (ii) federal Social Security
49 disability benefits, and (iii) temporary family assistance benefits
50 received for such child. The commissioner may establish an asset test
51 for eligibility under the program.

52 (d) The commissioner shall adopt regulations in accordance with
53 chapter 54 implementing the subsidized guardianship program

54 established under this section. Such regulations shall require, as a
55 prerequisite to payment of a guardianship subsidy for the benefit of a
56 minor child, that a home study report be filed with the court having
57 jurisdiction of the case of the minor within fifteen days of the request
58 for a subsidy, provided that no such report shall be required to be filed
59 if a report has previously been provided to the court or if the caregiver
60 has been determined to be a certified relative caregiver by the
61 commissioner. The regulations shall also establish a procedure
62 comparable to that for the subsidized adoption program to determine
63 the types and amounts of the subsidy to be granted by the
64 commissioner as provided in subsection (c) of this section, for annual
65 review of the subsidy as provided in subsection (e) of this section and
66 for appeal from decisions by the commissioner denying, modifying or
67 terminating such subsidies.

68 (e) The guardianship subsidy provided under this section shall
69 continue until the child reaches the age of eighteen or the age of
70 twenty-one if such child is in full time attendance at a secondary
71 school, technical school or college or is in a state accredited job training
72 program. Annually, the subsidized guardian shall submit to the
73 commissioner a sworn statement that the child is still living with and
74 receiving support from the guardian. The parent of any child receiving
75 assistance through the subsidized guardianship program shall remain
76 liable for the support of the child as required by the general statutes.

77 (f) A guardianship subsidy shall not be included in the calculation
78 of household income in determining eligibility for benefits of the
79 relative caregiver of the subsidized child or other persons living within
80 the household of the relative caregiver.

81 (g) Payments for guardianship subsidies shall be made from
82 moneys available from any source to the commissioner for child
83 welfare purposes. The commissioner shall develop and implement a
84 plan that: (1) Maximizes use of the subsidized guardianship program
85 to decrease the number of children in the legal custody of the
86 Commissioner of Children and Families and to reduce the number of

87 children who would otherwise be placed into foster care when there is
88 a family member willing to provide care; (2) maximizes federal
89 reimbursement for the costs of the subsidized guardianship program,
90 provided whatever federal maximization method is employed shall
91 not result in the relative caregiver of a child being subject to work
92 requirements as a condition of receipt of benefits for the child or the
93 benefits restricted in time or scope other than as specified in subsection
94 (c) of this section; and (3) ensures necessary transfers of funds between
95 agencies and interagency coordination in program implementation.
96 The Commissioner of Children and Families shall seek all federal
97 waivers as are necessary and appropriate to implement this plan.

98 Sec. 2. (NEW) (*Effective July 1, 2002*) There is established a
99 grandparents as parents program within the Department of Social
100 Services to provide support for grandparents who raise a grandchild.
101 The program shall (1) serve as a clearinghouse for information
102 regarding services available in the state for relative caregivers, and (2)
103 provide training on the needs of relative caregivers and available
104 services to meet such needs. The training shall be offered to relevant
105 professionals, including, but not limited to, caseworkers within the
106 Departments of Children and Families and Social Services and staff of
107 any court of competent jurisdiction.

108 Sec. 3. (NEW) (*Effective July 1, 2002*) The Department of Children
109 and Families shall allow foster families and persons receiving
110 payments pursuant to sections 17a-117 or 17a-126 of the general
111 statutes to receive such payments by electronic direct deposit to their
112 accounts in a bank, Connecticut credit union or federal credit union, as
113 defined in section 36a-2 of the general statutes.

114 Sec. 4. Section 17a-93 of the general statutes is repealed and the
115 following is substituted in lieu thereof (*Effective July 1, 2002*):

116 As used in sections 17a-90 to [17a-124] 17a-121a, inclusive, as
117 amended, [and] 17a-152 and section 3 of this act:

118 (a) "Child" means any person under eighteen years of age, except as

119 otherwise specified, or any person under twenty-one years of age who
120 is in full-time attendance in a secondary school, a technical school, a
121 college or a state-accredited job training program;

122 (b) "Parent" means natural or adoptive parent;

123 (c) "Adoption" means the establishment by court order of the legal
124 relationship of parent and child;

125 (d) "Guardianship" means guardianship, unless otherwise specified,
126 of the person of a minor and refers to the obligation of care and
127 control, the right to custody and the duty and authority to make major
128 decisions affecting such minor's welfare, including, but not limited to,
129 consent determinations regarding marriage, enlistment in the armed
130 forces and major medical, psychiatric or surgical treatment;

131 (e) "Termination of parental rights" means the complete severance
132 by court order of the legal relationship, with all its rights and
133 responsibilities, between the child and [his] the child's parent or
134 parents so that the child is free for adoption except it shall not affect
135 the right of inheritance of such child or the religious affiliation of such
136 child;

137 (f) "Statutory parent" means the Commissioner of Children and
138 Families or that child-placing agency appointed by the court for the
139 purpose of giving a minor child or minor children in adoption;

140 (g) "Child-placing agency" means any agency within or without the
141 state of Connecticut licensed or approved by the Commissioner of
142 Children and Families in accordance with sections 17a-149 and 17a-
143 151, as amended, and in accordance with [such standards which shall
144 be established by regulations of] standards established in regulations
145 by the Department of Children and Families;

146 (h) "Child care facility" means a congregate residential setting for
147 the out-of-home placement of children or youth under eighteen years
148 of age, licensed by the Department of Children and Families;

149 (i) "Protective supervision" means a status created by court order
150 following adjudication of neglect whereby a child's place of abode is
151 not changed but assistance directed at correcting the neglect is
152 provided at the request of the court through the Department of
153 Children and Families or such other social agency as the court may
154 specify;

155 (j) "Receiving home" means a facility operated by the Department of
156 Children and Families to receive and temporarily care for children in
157 the guardianship or care of the commissioner;

158 (k) "Protective services" means public welfare services provided
159 after complaints of abuse, neglect or abandonment, but in the absence
160 of an adjudication or assumption of jurisdiction by a court;

161 (l) "Person responsible for the health, welfare or care of a child or
162 youth" means a child's or a youth's parent, guardian or foster parent;
163 an employee of a public or private residential home, agency or
164 institution or other person legally responsible in a residential setting;
165 or any staff person providing out-of-home care, including center-based
166 child day care, family day care or group day care, as defined in section
167 19a-77;

168 (m) "Foster family" means a person or persons, licensed or certified
169 by the Department of Children and Families or approved by a licensed
170 child-placing agency, for the care of a child or children in a private
171 home;

172 (n) "Prospective adoptive family" means a person or persons,
173 licensed by the Department of Children and Families or approved by a
174 licensed child-placing agency, who is awaiting the placement of, or
175 who has a child or children placed in their home for the purposes of
176 adoption.

This act shall take effect as follows:	
Section 1	July 1, 2002

Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>

KID***Joint Favorable Subst. C/R*****HS**